

November 5, 2004

Gene Merriam, Commissioner  
Minnesota Dept. of Natural Resources  
500 Lafayette Road.  
St. Paul, MN 55155

Re: *In the Matter of the Appeal of the Off-Highway Vehicle Citation Issued to  
Caleb D. Hansen*  
OAH Docket No. 3-2000-15988-2  
Civil Citation No. 73673

Dear Commissioner Merriam:

On July 13, 2004, I conducted a telephone prehearing conference in this matter. Conservation Officer Chad Sherack and Caleb D. Hansen participated.

On May 29, 2004, Mr. Hansen received a civil citation for violation of Minn. Stat. § 84.775, subd. 1, and Minn. R. 6100.1950 for driving his ATV down a non-designated logging road in a limited state forest. During the conference Mr. Hansen explained that he and his friend were lost and had been told by another group of riders that a DNR officer had just turned down the logging road. Mr. Hansen followed this suggestion, turned down the road, and found Officer Sherack about 50 yards down the road. He approached Officer Sherack for directions back to the area where his car was parked and was given the directions, along with a citation. Although Officer Sherack initially doubted Mr. Hansen's claim of being lost, during the conference Mr. Hansen convinced Officer Sherack that he truly was lost and seeking help. Officer Sherack then agreed to withdraw the citation and replace it with a warning.

IT IS HEREBY RECOMMENDED: That the Commissioner DISMISS the citation issued to Mr. Hansen on May 29, 2004, because the parties have reached an agreement to resolve the matter. I am closing our file and returning the record to you.

Sincerely,

/s/ Kathleen D. Sheehy  
Kathleen D. Sheehy  
ADMINISTRATIVE LAW JUDGE  
Telephone 612/341-7602

cc: Conservation Officer Chad Sherack  
Caleb D. Hansen  
Pat Watts, DNR